

### **REMARKS**

The Office Action of August 8, 2008, has been reviewed and these remarks are responsive thereto. Claim 70 has been amended to correct a typographical error. Upon entry of this Amendment, claims 1-14, 29-42, and 67-70 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1-8, 12-14, 29-36, 40-42, 67 and 68 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,728,966 to Arsenault et al. (hereinafter “Arsenault”). Applicants respectfully traverse this rejection.

Claim 1 recites, among other features, “a method for implementing an electronic program guide, the method comprising receiving programming information from a source, storing the received programming information, *in its entirety*, in a data storage area, continuously scanning the data storage area, in a cyclical manner, to identify and remove data entries meeting a first predetermined criterion...” Applicants respectfully assert that Arsenault fails to teach or suggest the features of claim 1.

Arsenault describes an electronic programming guide with a plurality of linked lists that are used to remove redundancy, increase search speed and allow dynamic categories. Abstract. The system receives a stream of digitized data packets containing information and the packets are *filtered out* to remove any packets that are not currently of interest. See col. 6, lines 5-11 (emphasis added). That is, the data is filtered prior to being stored. The Office asserts that various portions of Arsenault teach or suggest the data being stored in its entirety. Applicants respectfully disagree. At most, the cited portions of Arsenault teach or suggest content packets, created from *filtered* information, that are *stored as they are created*. See col. 6, line 55 – col. 7, line 46. There is absolutely no teaching or suggestion of data being stored in its entirety, let alone a method wherein responsive to the data being stored *in its entirety* the data storage area is continuously scanned, in a cyclical manner, to identify and remove data entries meeting a first predetermined criterion. Rather, Arsenault describes a system and method wherein incoming data is sorted upon entry to determine what will be saved and what will be discarded. There is

no teaching or suggestion of the entirety of the data being stored and continuously scanning the data storage area, as recited in claim 1.

Claim 29 recites language similar to that of claim 1 and is allowable for at least the same reasons discussed above with respect to claim 1, and further in view of the additional novel features recited therein.

Claims 2-8, 12-14, 67, and 68 that depend from claim 1, and claims 30-36 and 40-42 that depend from claim 29, are allowable for at least the same reasons as discussed above, and further in view of the additional novel features recited therein. For example, claims 3 and 31 recite, among other features, programming information further comprising tokens, including *compressed forms* of the information about the individual programs, used to describe individual programs and a meaning associated with the tokens. Arsenault fails to teach or suggest this feature.

Arsenault describes content records that are accompanied by a title and a label. Col. 6, lines 55-63. Arsenault fails to teach or suggest tokens that include *compressed forms* of information about individual programs. Further, there is no teaching or suggestion of a *meaning* associated with the tokens. Rather, the records of Arsenault include a title and a label. Accordingly, Applicants respectfully assert that claims 3 and 31 are allowable over the cited reference.

Further, claims 67 and 68 recite wherein the meaning associated with the tokens is stored in a token dictionary and the token dictionary is modifiable, respectively. Applicants respectfully assert that Arsenault fails to teach or suggest these features. There is absolutely no teaching or suggestion in Arsenault of a token having a meaning stored in a token dictionary. In fact, as discussed above, there is no teaching or suggestion of a meaning associated with the tokens. Rather, the cited portions of Arsenault merely describe titles and labels. There is no teaching or suggestion of a meaning associated with the title or label, let alone a meaning stored in a modifiable dictionary. Accordingly, Applicants respectfully assert that claims 67 and 68 are patentably distinct from Arsenault.

***Rejections Under 35 U.S.C. § 103***

Claims 9-11, 37-39, 69 and 70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arsenault in view of U.S. Patent No. 5,155,831 to Emma et al. (hereinafter “Emma”). Applicants respectfully traverse these rejections.

Claims 9-11 and 69 depend from claim 1, and claims 37-39 and 70 depend from claim 29, and are allowable for at least the same reasons as their respective base claims. The addition of Emma fails to cure the deficiencies of Arsenault with respect to claims 1 and 29. For instance, Emma fails to teach or suggest a method wherein received programming information is stored *in its entirety* and, responsive to storing the received programming information in its entirety, continuously scanning the data storage area to identify and remove data entries meeting a first predetermined criterion. Accordingly, Applicants respectfully assert that claims 9-11, 37-39, 69 and 70 are allowable over the cited combination of references.

**CONCLUSION**

No additional fees are believed to be due in connection with this amendment. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: November 10, 2008

By: /Elizabeth A. Almeter/  
Elizabeth A. Almeter  
Registration No. 57,019

1100 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001